

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PALM BEACH DIVISION

CASE NO: 23-cv-81144-REINHART

H.B,

Plaintiff,

vs.

CLASSICA CRUISE OPERATOR LTD., INC.,
A Foreign corporation,

Defendant.

**DEFENDANT’S MOTION TO REMOVE FROM DOCKET AND/OR TO SEAL
EXHIBITS (ECF NOS.57-1 AND 57-2) FILED IN SUPPORT OF JOINT DISCOVERY
MEMORANDUM AND TO SUBSTITUTE AMENDED REDACTED EXHIBITS**

Defendant, CLASSICA CRUISE OPERATOR LTD., INC. (“Classica”), by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 5.2, hereby moves this Honorable Court for the entry of an Order removing from the docket and/or sealing the attachments to Ex. A (ECF No. 57-1) and Ex. B (ECF No. 57-2) to Joint Discovery Memorandum (ECF No. 57), and to Substitute Amended Redacted Exhibits, and in support thereof, states as follows:

1. Today, April 23, 2024, Defendant filed Joint Discovery Memorandum (ECF No. 57), which included composite Exhibits A, consisting of a Notice of Issuance of Subpoenas with Subpoenas and composite Exhibit B, consisting of authorizations. (ECF Nos. 57-1 and 57-2).

2. The attachments were inadvertently filed without the required redactions pursuant to Fed. R. Civ. P. 5.2 and Section 6 of the CM/ECF Administrative Procedures of the Southern District of Florida.

3. Defendant offers the Court its sincerest apologies and respectfully states that failure to comply with Fed. R. Civ. P. 5.2 and Section 6 of the CM/ECF Administrative Procedures of the Southern District of Florida was inadvertent and did not result from any intentional act or improper purpose. *See Boone v. JP Morgan Chase Bank*, 447 F. App'x 961, 965 (11th Cir. 2011) (affirming district court's denial of sanctions premised upon failure to redact a social security number based on district court's finding of no evidence the filers had acted unreasonably or for an improper purpose); *see State Farm Fire & Cas. Co. v. Silver Star Health & Rehab, Inc.*, No. 6:10-CV-1103-ORL-31GJK, 2011 WL 13298745, at *3 (M.D. Fla. Oct. 27, 2011) (denying sanctions premised on undisputed violation of Fed. R. Civ. P. 5.2 for lack of evidence that violation had been deliberate and no showing of actual injury stemming from improper disclosure).

4. Defendant mistakenly overlooked the fact that the exhibit attachments contained sensitive, personal information and nothing was done in bad faith nor in callous disregard of the Federal Rules of Civil Procedure or the CM/ECF Administrative Procedures. Defendant assures the Court (and hopes the Court recognizes) that this lapse in attention was accidental as it would never intentionally violate the Court's rules and procedures.

5. The redacted versions of the non-compliant exhibits are being filed contemporaneously herewith.

6. Because Defendant sought to correct its oversight immediately and is filing redacted versions of same, there is no indication that Plaintiff has suffered any harm or prejudice as a result of the inadvertent disclosure. *See Deauville Hotel Prop., LLC v. Hartford Steam Boiler Inspection & Ins. Co.*, No. 13-20983-CIV, 2013 WL 12095147, at *1 (S.D. Fla. July 2, 2013) (denying request to strike pleadings as a sanction for violation of redaction

requirements of Rule 5.2 upon finding plaintiff failed to show prejudice stemming from improper filings because access had been restricted and the fact that they were publicly accessible for a time was insufficient).

7. As such, Classica respectfully seeks the entry of an Order directing the Clerk of Courts to remove from the docket and/or to seal the exhibits filed at ECF No. 57-1 and 57-2 and substitute with the amended redacted exhibits.

8. Undersigned counsel assures the Court that a greater degree of caution and attention in reviewing materials prior to filing to ensure compliance with all applicable rules and procedures will be exercised.

WHEREFORE, Defendant, CLASSICA CRUISE OPERATOR LTD., INC., respectfully requests that this Court grants the Motion to Remove from Docket and/or to Seal Attachments to Composite Exhibits (ECF No. 57-1 and 57-2) and to Substitute Amended Redacted Exhibits and grants any other relief it deems just and appropriate.

Dated: April 23, 2024
Miami, Florida

Respectfully submitted,
FOREMAN FRIEDMAN, P.A.

BY: /s/ **Darren W. Friedman**

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*Counsel for Defendant, Classica Cruise Operator,
Ltd., Inc.*

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing was electronically filed with the Clerk of the Court via CM/ECF on April 23, 2024. We also certify that the foregoing was served on all counsel or parties of record on the attached Service List either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Filing.

By: /s/ Darren W. Friedman

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